

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: BOSTON SCIENTIFIC CORP.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2326

THIS DOCUMENT RELATES TO

KAREN SARVER and DOUG SARVER,

Plaintiff,

vs.

BOSTON SCIENTIFIC CORPORATION,

Defendant.

2:12-cv-01596

JOINT DESIGNATION OF RECORDS TO BE INCLUDED UPON REMAND

In addition to all pleadings in the case-specific docket, and all PTOs, the parties jointly designate the following documents from the docket in MDL No. 2326 (2:12-md-02326) to be included in the record on remand.

No.	Date Filed	Dkt. No.	Docket Text
1.	07/30/12	161	Stipulated Protective Order
2.	08/30/12	184	Stipulation for the Production of Documents and Electronically Stored Information
3.	9/26/12	196	New Direct Filing Order, Master Complaint, SF Complaint
4.	09/26/12	197	Master Long Form Complaint And Jury Demand
5.	09/26/12	200	Boston Scientific Corporation's Master Answer To Plaintiff's Master Long Form Complaint
6.	05/01/19	8025	Pretrial Order # 208
7.	08/13/20	8500	Order and Suggestion of Remand
8.	11/01/19	8315	Plaintiff's Notice of Adoption of Prior <i>Daubert</i> Motion of Dr. Stephen Badylak for Wave 7 Cases re: Wave 3 <i>Daubert</i> Motion and Memorandum [4826] and Reply [5033]

9.	01/11/18	4826	Plaintiffs' Motion and Memorandum of Law in Support of Their Motion to Exclude the Opinions and Testimony of Dr. Stephen F. Badylak
10.	11/18/19	8364	Boston Scientific Corporation's Notice of Adoption of Prior <i>Daubert</i> Response of Stephen Badylak, Ph.D. for Wave 7 Cases re: Wave 3 <i>Daubert</i> Response [4976]
11.	02/01/18	4976	Boston Scientific Corporation's Opposition to Plaintiffs' Motion to Exclude the Opinions and Testimony of Dr. Stephen F. Badylak
12.	02/08/18	5033	Plaintiffs' Reply to Defendant's Response to Plaintiffs' Motion to Exclude the Opinions and Testimony of Dr. Stephen F. Badylak
13.	05/29/18	6041	Memorandum Opinion and Order re Dr. Stephen F. Badylak for Wave 3
14.	11/01/19	8323	Plaintiffs' Wave 7 Notice of Adoption of Prior <i>Daubert</i> Motion and Memorandum to Exclude Dr. Lonny Green from BSC Waves 1 and 2 [1010] and the reply briefing from <i>Fowler v. Boston Sci. Corp.</i> , 2:13-cv-03932 [92]
15.	01/16/15	1010	Plaintiffs' Memorandum of Law in Support of Their Joint Motion to Limit the Opinions and Testimony of Lonny Green, M.D.
16.	01/23/15	1018	PTO #119 (Order re: Pending <i>Daubert</i> Motions filed in MDL)
17.	11/18/19	8371	Boston Scientific Corporation's Wave 7 Notice of Adoption of Prior <i>Daubert</i> Response of Lonny Green, M.D. for Boston Scientific Wave 1 and 2 from <i>Allen v. Boston Sci.</i> 2:13-cv-06738 [67]
18.	11/01/19	8316	Plaintiffs' Notice of Adoption of Prior <i>Daubert</i> Motion of Dr. Steven Little for Wave 7 Cases re: <i>Daubert</i> Motion and Memorandum [4825] and Reply [5034]
19.	01/11/18	4825	Plaintiffs' Motion and Memorandum of Law in Support of Their Motion to Exclude the Opinions and Testimony of Steven R. Little, Ph.D.
20.	11/01/19	8362	Boston Scientific Corporation's Notice of Adoption of Prior <i>Daubert</i> Response of Stephen Little, Ph.D. for Wave 7 Cases re: Wave 3 <i>Daubert</i> Response [4979]
21.	02/01/18	4979	Response in Opposition to Plaintiffs' Motion to Exclude the Opinions and Testimony of Steven R. Little, Ph.D.
22.	02/08/18	5034	Plaintiffs' Reply to Defendant's Response to Plaintiffs' Motion to Exclude the Opinions and Testimony of Steven R. Little, Ph.D.

23.	05/30/18	6044	Memorandum Opinion and Order re: Dr. Steven R. Little, Ph.D. for Wave 3
24.	11/01/19	8326	Plaintiffs' Notice of Adoption of Prior <i>Daubert</i> Motion of Dr. Peter Rosenblatt for Wave 7 Cases re: Wave 3 <i>Daubert</i> Motion and Memorandum [4833] and Reply [5039]
25.	01/11/18	4833	Plaintiffs' Motion to Exclude Certain Opinions and Testimony of Peter Rosenblatt, M.D. and Memorandum in Support
26.	11/18/19	8363	Boston Scientific Corporation's Notice of Adoption of Prior <i>Daubert</i> Response of Peter Rosenblatt, M.D. for Wave 7 Cases re: Wave 3 <i>Daubert</i> Response [4978]
27.	02/01/18	4978	Memorandum in Opposition to Plaintiffs' Motion to Exclude Certain Opinions and Testimony of Dr. Peter Rosenblatt
28.	02/08/18	5039	Plaintiffs' Reply Brief in Support of Motion to Exclude Certain Opinions and Testimony of Peter Rosenblatt, M.D.
29.	05/30/18	6047	Memorandum Opinion and Order re: Dr. Peter Rosenblatt, M.D.
30.	11/01/19	8317	Plaintiff's Notice of Adoption of Prior <i>Daubert</i> Motion of Dr. Stephen Spiegelberg for Wave 7 Cases re: Wave 4 <i>Daubert</i> Motion and Memorandum [7004] and Reply [7160]
31.	10/18/18	7004	Plaintiffs' Combined Motion and Memorandum of Law to Exclude the Opinions and Testimony of Stephen H. Spiegelberg, Ph.D. for Wave 4 Cases (and adopting re: Wave 3 Motion and Memo [4827] and Reply [5031]; and <i>Tyree v. Boston Sci Corp.</i> , 2:12-cv-08633, Memo [216])
32.	01/11/18	4827	Plaintiffs' Motion to Exclude Certain Testimony of Steven Spiegelberg, Ph.D and Memorandum in Support
33.	11/18/19	8377	Boston Scientific Corporation's Notice of Adoption of Prior <i>Daubert</i> Response of Stephen Spiegelberg, Ph.D. for Wave 7 Cases re: Wave 4 <i>Daubert</i> Responses [7088], Wave 3 <i>Daubert</i> Response [4969]; and <i>Tyree v. Boston Sci Corp.</i> , 2:12-cv-08633, <i>Daubert</i> Response [275]
34.	10/25/18	7088	Boston Scientific Corporation's Response in Opposition to Plaintiffs' Combined Motion to Exclude the Opinions and Testimony of Dr. Stephen Spiegelberg, Ph.D.
35.	02/01/18	4969	Boston Scientific Corporation's Response in Opposition to Plaintiffs' Motion to Exclude the

			Opinions and Testimony of Dr. Stephen Spiegelberg, Ph.D.
36.	11/01/18	7160	Plaintiffs' Reply in Support of Their Motion to Exclude the Opinions and Testimony of Stephen H. Spiegelberg, Ph.D.
37.	02/08/18	5031	Plaintiffs' Reply Brief in Support of Motion to Exclude Opinions and Testimony of Steven Spiegelberg, Ph.D.
38.	05/30/18	6049	Memorandum Opinion and Order (Daubert Motion re: Stephen H. Spiegelberg, Ph.D.)
39.	11/04/19	8339	Boston Scientific Corporation's Notice of Adoption of Prior Daubert Motion to Exclude Jerry Blaivas, M.D. for Wave 7 cases re: Daubert Motion [4822]
40.	01/11/18	4822	Boston Scientific Corporation's Motion and Memorandum in Support to Exclude the Opinions and Testimony of Jerry Blaivas, M.D.
41.	11/14/19	8351	Plaintiffs' Notice of Adoption of Prior Daubert Response of Jr. Jerry Blaivas for Wave 7 Cases re: Daubert Response [4962]
42.	02/01/18	4962	Plaintiffs' Opposition to Boston Scientific Corporation's Motion and Memorandum in Support to Exclude the Opinions and Testimony of Jerry Blaivas, M.D.
43.	05/29/18	6029	Memorandum Opinion and Order (Daubert Motion re: Dr. Jerry Blaivas, M.D.)
44.	11/04/19	8330	Boston Scientific Corporation's Memorandum of Law in Support and Motion to Exclude the Opinions and Testimony of Jimmy W. Mays, Ph.D. [requesting the court adopts its decision in <i>Frankum v. Boston Scientific</i> , No. 2:12-CV-00904]
45.	11/18/19	8365	Plaintiffs' Memorandum in Opposition to Defendant's Motion to Exclude the Opinions and Testimony of Plaintiffs' Expert, Jimmy M. Mays, Ph.D.
46.	11/25/19	8384	Boston Scientific Corporation's Reply to Plaintiffs' Memorandum in Opposition to Defendant's Motion to Exclude the Opinions and Testimony of Plaintiffs' Expert, Dr. Jimmy Mays
47.	11/04/19	8336	Boston Scientific Corporation's Notice of Adoption of Prior Daubert Motion to Exclude Peggy Pence, Ph.D. for Wave 7 re: Daubert Motion [4815]
48.	01/11/18	4815	Boston Scientific Corporation's Motion to Exclude the Opinions and Testimony of Peggy Pence, Ph.D. and Memorandum in Support

49.	11/15/19	8356	Plaintiff's Notice of Adoption of Prior Daubert Response of Peggy Pence, Ph.D. for Wave 7 Cases re: Daubert Response [4968]
50.	02/01/18	4968	Plaintiffs' Response in Opposition to Defendant Boston Scientific Corporation's Motion to Exclude the Opinions and Testimony of Peggy Pence, Ph.D.
51.	11/25/19	8381	Boston Scientific Corporation's Notice of Adoption of Reply Memorandum in Support of its Motion to Exclude the Opinions and Testimony of Peggy Pence, Ph.D. for Wave 7 Cases re: Daubert Reply [5038]
52.	02/08/18	5038	Boston Scientific Corporation's Reply Memorandum in Support of its Motion to Exclude the Opinions and Testimony of Peggy Pence, Ph.D.
53.	05/29/18	6038	Memorandum Opinion and Order (Daubert Motion re: Dr. Peggy Pence, Ph.D.)
54.	11/04/19	8328	Boston Scientific Corporation's Notice of Adoption of Prior Daubert Motion to Exclude Bruce Rosenzweig, MD for Wave 7 re: Daubert Motion [8084]
55.	05/13/19	8084	Boston Scientific Corporation's Motion to Exclude the General Causation Testimony of Dr. Bruce Rosenzweig, M.D. and Memorandum in Support
56.	11/15/19	8357	Plaintiffs' Response and Memorandum in Opposition to Defendant Boston Scientific Corp.'s Motion to Exclude the General Causation Testimony of Dr. Bruce Rosenzweig, M.D.
57.	11/25/19	8382	Boston Scientific Corporation's Reply in Support of Motion to Exclude the General Causation Testimony of Dr. Bruce Rosenzweig, M.D. and Memorandum in Support
58.	05/29/18	6039	Memorandum Opinion and Order re: Dr. Bruce Rosenzweig
59.	11/04/19	8334	Boston Scientific Corporation's Motion to Exclude Certain Opinions and Testimony of Abbas Shobeiri, M.D. and its Memorandum in Support
60.	11/18/19	8370	Plaintiffs' Response in Opposition to Defendants' Motion to Exclude Certain Opinions and Testimony of Abbas Shobeiri, M.D.
61.	11/18/19	8374	Plaintiffs' Brief in Support of Response in Opposition to Motion to Exclude Certain Opinions and Testimony of Abbas Shobeiri, M.D.
62.	11/25/19	8383	Boston Scientific Corporation's Reply in Support of Its Motion to Exclude Certain Opinions and Testimony of Abbas Shobeiri, M.D.

The parties also jointly designate the following documents from the docket in *Allen v. Boston Scientific* 2:13-cv-06738 to be included in the record on remand.

No.	Date Filed	Dkt. No.	Docket Text
63.	02/23/15	67	Boston Scientific Corporation's Opposition to Plaintiffs' Joint Motion to Limit the Opinions and Testimony of Lonny Green, M.D. from <i>Allen v. Boston Sci.</i> 2:13-cv-06738

The parties also jointly designate the following documents from the docket in *Fowler v. Boston Scientific* 2:13-cv-03932 to be included in the record on remand.

No.	Date Filed	Dkt. No.	Docket Text
64.	03/03/15	92	Plaintiffs' Reply in Support of their Motion to Limit the Opinions and Testimony of Lonny Green, M.D. and Brief in Support from <i>Fowler v. Boston Sci. Corp.</i> , 2:13-cv-03932
65.	06/03/16	115	Memorandum Opinion and Order (Daubert Motions), <i>Fowler v. Boston Sci. Corp.</i> , 2:13-cv-03932

The parties also jointly designate the following documents from the docket in *Frankum v. Boston Scientific* 2:12-cv-00904 to be included in the record on remand.

No.	Date Filed	Dkt. No.	Docket Text
66.	05/01/15	104	Memorandum Opinion and Order, <i>Frankum v. Boston Sci. Corp.</i> , No. 2:12-cv-00904 (Daubert Motions)

The parties also jointly designate the following documents from the docket in *Tyree v. Boston Scientific* 2:12-cv-08633 to be included in the record on remand.

No.	Date Filed	Dkt. No.	Docket Text
67.	08/01/14	216	Plaintiff's Memorandum in Support of their MTE Dr. Steven Spiegelberg
68.	08/11/14	275	Defendant Boston Scientific Corporation's Opposition to Plaintiffs' Motion to Exclude the Opinions and Testimony of Stephen H. Spiegelberg, Ph.D.
69.	10/29/14	473	Amended Order on Daubert Motions

The parties further agree and stipulate that, subject to the Court's approval, if any party believes a relevant document was inadvertently not included in the above list, the parties may

confer and jointly supplement this joint designation without requesting a hearing or a motion to supplement. The parties also agree that the document designations are intended to incorporate and include all exhibits or attachments that accompanied the documents as filed.

Dated: August 20, 2020

/s/ Sean T. Keith

Sean T. Keith

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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2020, I electronically filed the foregoing with the Clerk using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in the member cases.

By: /s/ Eric M. Anielak

Eric M. Anielak

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